

REMARKS/ARGUMENTS

Claims 1-8, and 9-37 are pending in the present application. Claims 1, 3, 5-8, 10-15, 18, 22, and 24 have been amended to better describe the present invention. Claims 25-37 have been added.

1. The Examiner objected to the disclosure because of informalities. The specification has been amended to overcome the objection.
2. The Examiner objected to claim 10 because of informalities. Claim 10 has been amended to overcome the objection.
3. The Examiner provisionally rejected claims 1 and 3-24 under U.S.C. 101 (a statutory type double patenting rejection) as claiming the same invention as that of claim 2 and 4-25 of copending Application No. 10/712,833. Claims of copending will be amended to make this rejection moot.
4. Claims 1, 3-7, 15-17, 23 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gysling et al. (US Patent 6,354,147).

Regarding independent claim 1, Examiner contends that Gysling ('147) discloses all the limitations of these claims. Applicants respectfully traverse the Examiner's rejection in light of the newly amended claim 1.

Claim 1 has been amended to clearly define the present invention. Claim 1 has also been amended to include the limitation of dependent claim 9. As noted by the Examiner, Gysling ('147), does not show such a feature. Therefore, claim 1 is not anticipated by Gysling ('147) for at least these reasons, and it is respectfully submitted that this rejection is now moot.

5. Claims 3-7, 15-17, 23 and 24 variously depend on independent claim 1, and therefore are not anticipated by Gysling ('147) for at least the reasons provided hereinbefore. It is respectfully submitted that this rejection is now moot.

6. Claims 2, 8-11, and 18-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gysling ('147) in view of Gysling et al. (US 2004/006069). While the Examiner has cited Gysling ('069) in support of his obviousness rejection, Applicants contend Gysling ('069) is not prior art to the present invention. The priority date of the present invention is November 12, 2002 (U.S. Prov. Appln. No. 60/425,436) and November 15, 2002 (U.S. Prov. Appln. No. 60/426,724).

~~The filing date of Gysling ('069) is April 10, 2003, which is after the priority date of the present invention.~~

While Gysling ('069) does claim priority to a number of applications that predate the priority date of the present invention, none of these applications that predate the priority of the present invention teach or show a sensor comprising "a piezoelectric film material having a pair of conductors disposed on opposing surfaces, whereby the piezoelectric film is attached to the strap", as claimed in newly amended claim 1.

Claims 2, 8, 10, 11, and 18-22 variously depend from claim 1, therefore it is respectfully requested that claims 2, 8, 10, 11, and 18-22 be reconsidered and allowed for at least the reasons provided hereinbefore.

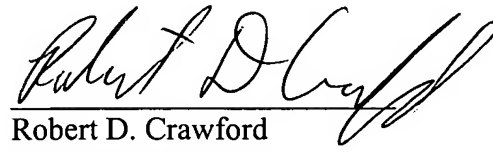
7. Newly added independent claim 26 include similar limitations as that discussed hereinbefore, and therefore are not anticipated or obvious for at least the reasons provided hereinbefore, and it is respectfully requested that this claim be allowed.

8. Newly added dependent claims 27-37 variously depend on independent claim 26, and therefore are not anticipated or obvious for at least the reasons provided hereinbefore, and it is respectfully requested that these claims be allowed.

9. In view of the foregoing, it is respectfully requested that the application be reconsidered and allowed. If the Examiner is not prepared to allow all the claims in view of the discussion herein, Applicants hereby respectfully request a phone interview with the Examiner at the Examiner's earliest convenient. Applicants' counsel can be reached at 203-626-3502 (direct dial) between the hours of 8:00 a.m. and 5:00 p.m., or by E-mail at rcrawford@cidra.com.

10. A petition for a three-month extension of time under 37 CFR 1.136 is submitted herewith. A check is enclosed to cover the fees of \$550.00 for the additional claims and \$1020.00 for the three (3) month extension of time. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-0260 Order No. CC-0675.

Respectfully submitted,
Mark R. Fernald et al.

A handwritten signature in black ink, appearing to read "Robert D. Crawford", is written over a horizontal line.

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